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 19 *dba The Cosmopolitan of Las Vegas*

11 **UNITED STATES DISTRICT COURT**

12 **DISTRICT OF NEVADA**

13 JOSEPH MICHAEL GIANNONE, individually,

CASE NO: 2:24-CV-00627-NJK

14 Plaintiff,

STIPULATION AND ORDER TO
MODIFY DISCOVERY PLAN AND
SCEDULING ORDER TO EXTEND
DISCOVERY DEADLINES (in
compliance with Local Rule 26-3) (Fourth
Request)

15 vs.

16 NEVADA PROPERTY 1 LLC, a Nevada Limited-
 17 Liability Company d/b/a THE COSMOPOLITAN
 18 OF LAS VEGAS; DOES 1-10, inclusive; and ROE
 19 ENTITIES 1-10, inclusive,

Defendants.

20 IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiff, JOSEPH
 21 MICHAEL GIANNONE, by and through his counsel of record, Dillon G. Coil, Esq. and Riley A.
 22 Clayton, Esq., of Cloward Trial Lawyers, and Defendant, NEVADA PROPERTY 1, LLC d/b/a
 23 THE COSMOPOLITAN OF LAS VEGAS, by and through their attorneys of record, Chris J.
 24 Richardson, Esq., and Kimberly A. Nelson, Esq., of Wilson Elser Moskowitz Edelman & Dicker,
 25 LLP, that the deadlines in the scheduling order [ECF NO. 39] be continued as follows:

26 **A. DISCOVERY COMPLETED PURSUANT TO FED. R. CIV. P. 26(a):**

27 1. The parties participated in the Fed. R. Civ. P. 26(f) conference on May 22, 2024.

2. Plaintiff produced his initial Fed. R. Civ. P. 26(a) disclosures on June 18, 2024.
3. Defendant produced their initial Fed. R. Civ. P. 26(a) disclosures on June 21, 2024.
4. Plaintiff produced their first supplemental Fed. R. Civ. P. 26(a) disclosures on August 20, 2024.
5. Plaintiff produced their second supplemental Fed. R. Civ. P. 26(a) disclosures on November 25, 2024.
6. Plaintiff produced their third supplemental Fed. R. Civ. P. 26(a) disclosures on December 23, 2024.
7. Plaintiff deposed Defendant's employee, Anthony Mora, on September 24, 2024.
8. Plaintiff deposed Defendant's employee, Daniel Quinlan, on September 24, 2024.
9. Plaintiff deposed Defendant's employee, Phillip Garcia, on September 25, 2024.
10. Defendant produced their first supplemental disclosure on September 27, 2024.
11. Plaintiff deposed Defendant's employee, DeSean Johnson, on October 11, 2024.
12. Plaintiff deposed Defendant's employee, LaRon Sanders, on November 21, 2024.
13. Plaintiff deposed Defendant's employee, Christian Guerra, on October 11, 2024.
14. Plaintiff deposed Defendant's employee, Matt Mikich, on December 13, 2024.
15. Mediation was held with Hon. Trevor Atkin (Ret.) on October 23, 2024.
16. Defendant produced their second supplemental Fed. R. Civ. P. 26(a) disclosures on September 27, 2024.
17. Defendant produced their third supplemental Fed. R. Civ. P. 26(a) disclosures on October 18, 2024.
18. Defendant produced their fourth supplemental Fed. R. Civ. P. 26(a) disclosures on November 20, 2024.
19. Plaintiff served written discovery to Defendant on October 14, 2024.
20. Defendant served its responses to Plaintiff's written discovery on November 20, 2024.
21. Plaintiff served his initial designation of expert witnesses on November 25, 2024.
22. Defendant served its initial designation of expert witnesses on November 25, 2024.
23. Plaintiff served his designation of rebuttal expert witnesses on December 23, 2024.
24. Defendant served its designation of rebuttal expert witnesses on December 26, 2024.

1 25. Defendant deposed Plaintiff on February 7, 2025.

2 **B. DISCOVERY TO BE COMPLETED PURSUANT TO FED. R. CIV. P. 26(a):**

3 1. Plaintiff's deposition of Defendant's FRCP 30(b)(6) witness, currently scheduled for
4 March 3, 2025.

5 3. Defendant's depositions of Plaintiff's two expert witnesses, Dr. Fish and Scott DeFoe.

6 **C. REASONS WHY DISCOVERY WAS NOT COMPLETED WITHIN DEADLINES
7 SET FORTH IN SCHEDULING ORDER**

8 Under the controlling scheduling order [ECF NO. 39], discovery closes on March 3, 2025,
9 with instructions from the court that no further extensions will be granted. The parties would not be
10 seeking this extension, contradictory to court order, if there was not a good faith basis and were not
exigent circumstances that they believed the court would consider.

11 Since the previous request to extend deadlines was granted on January 14, 2025, Plaintiff's
12 deposition has been taken and the parties have worked together to schedule and take the remaining
13 three (3) depositions in this matter. Defendant's FRCP 30(b)(6) witness deposition is presently
14 scheduled for March 3, 2025. Unfortunately, due to unforeseen health issues of Defendants
15 designated FRCP 30(b)(6) witness, which Defense counsel was made aware of on February 25,
16 2025, Defendant has requested that Plaintiff reschedule this deposition to a proposed date the week
17 of March 10, 2025. Defendant previously scheduled the depositions of Plaintiff's two expert
18 witnesses on February 28, 2025. However, neither expert is available on that date, and Plaintiff's
19 counsel sent over alternative dates of March 12, 2025, for Scott DeFoe, and April 2, 2025, for Dr.
20 Fish. The additional time requested in this special scheduling review would provide the necessary
21 amount of time to complete discovery in this matter. The parties therefore stipulate and propose a
22 30-day extension of the current deadlines, as follows:

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1 **D. PROPOSED SCHEDULE**

2 Activity:	3 Current Deadline:	4 Proposed Deadline:
5 Last Day to Amend Pleadings/ Add Parties	6 Closed	7 No Change
8 Initial Expert Disclosure	9 October 25, 2024	10 No Change
11 Rebuttal Expert Disclosure	12 November 25, 2024	13 No Change
14 Close of Discovery	15 March 3, 2025	16 April 3, 2025
17 Dispositive Motion Deadline	18 March 24, 2025	19 April 24, 2025
20 Pretrial Order (if no dispositive motions are filed)	21 April 24, 2024	22 May 23, 2025

23 **IT IS SO STIPULATED.**

24 DATED this 26th day of February, 2025.

25 **CLOWARD TRIAL LAWYERS**

26 /s/ Dillion G. Coil
 27 Dillon G. Coil, Esq.
 28 Nevada Bar No. 11541
 29 Riley A. Clayton, esq.
 30 Nevada Bar No. 5260
 31 9950 W. Cheyenne Ave.
 32 Las Vegas, NV 89129
 33 *Attorneys for Plaintiff*

34 DATED this 26th day of February, 2025.

35 **WILSON, ELSER, MOSKOWITZ,
 36 EDELMAN & DICKER LLP**

37 /s/ Kimberly A. Nelson
 38 Larry H. Lum, Esq.
 39 Nevada Bar No. 14914
 40 Karen L. Bashor, Esq.
 41 Nevada Bar No. 11913
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 48 *Attorneys for Defendant Nevada Property 1
 49 LLC dba The Cosmopolitan of Las Vegas*

50 **NO FURTHER EXTENSIONS WILL
 51 BE GRANTED.**

52 **IT IS SO ORDERED.**

53 **ORDER**



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 55 UNITED STATES MAGISTRATE JUDGE